

REMARKS/ARGUMENTS

Claims 1-14, 28-41 and 55-68 are pending in the application. Claims 1, 6, 28, 33, 55, and 60 are amended. No Claims are cancelled or added. The amendments to the claims as indicated herein do not add any new matter to this application.

INTERVIEW SUMMARY

On Tuesday, September 8, 2009, Applicants, represented by Robert Chee and Kirk Wong, conducted an interview with the USPTO, represented by Examiner Jamie Atala. The Claims of the Application were discussed in relation to the cited references. Applicants agreed to submit a formal reply for further consideration by the Examiner. Examiner agreed to contact Applicants should Examiner wish any clarification with regard to the arguments, as discussed in the interview.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1-9, 12-14, 28-36, 39-41, 55-63 and 66-68 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("Zigmond") in further view of U.S. Publication No. 2004/0210824 ("Shoff") in further view of U.S. Patent No. 6,097,677 ("Capek"). This rejection is respectfully traversed.

Claims 1, 28, and 55 appear as follows;

1. A method for video frame-specific tagging of media streams with tag translation at a receiver, comprising:
 - receiving a media stream at a receiver;
 - storing said media stream on one or more storage devices at said receiver;
 - detecting video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream;
 - processing said tags;
 - performing appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions; and
 - displaying program material in said stored media stream from said one or more storage devices to a viewer.

28. An apparatus for video frame-specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising:
one or more storage devices at said receiver;
a module that receives said media stream at a receiver;
a module that stores said media stream on said one or more storage devices;
a module that detects video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream;
a module that processes said tags;
a module that performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions; and
a module that displays program material in said stored media stream from said one or more storage devices to a viewer.

55. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for video frame-specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising:
receiving said media stream at a receiver;
storing said media stream on one or more storage devices at said receiver;
detecting video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream;
processing said tags;
performing appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions; and
displaying program material in said stored media stream from said one or more storage devices to a viewer.

Claims 1, 28, and 55 have been amended to clarify that the video frame specific tags are specific to a particular video frame of the media stream. In addition, the Claims have been amended to fix an antecedent basis issue (from “said receiver” to “a receiver”) and to clarify that storage devices may refer to “one or more storage devices.” Further clarification is made that the storage devices are “at” the receiver. Amendments to Claims 6, 33, and 60 were made to conform these claims to amendments made in the independent claims.

During the Examiner Interview and subsequent communications with Examiner, Examiner agreed that the amendment of “each of the video frame-specific tags specific to a

particular video frame” does distinguish between the <FRAME> HTML tags described in Shoff and the limitation recited in the Claims. A further discussion is included herein. Shoff does not teach or suggest the detection of “video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream” as each of the Claims recite. Rather Shoff discusses the coding of frames using HTML. The Office Action states “The detection and processing of frame specific tags as described in paragraphs 0085-0091. The system provides interactive data to be provided through frame specific tags and triggers. For example, a frame specific HTML tag is presented at a target location. The system provides a targeted tagged source (a web page) that appropriate actions are taken upon the detection of the tag. The interactive entertainment system provides digital data with a targeted source to provide content to be displayed on the broadcast stream as described in paragraphs 0085 through paragraph 0090. As specifically stated in paragraph 0090 the tagged information is maintained in the EPG data structure which corresponds to which program it pertains to and thereby provides video frame specific tags into the media stream.” However, Shoff fails to teach video frame-specific tags that are specific to a particular video frame of a media stream.

Shoff states: “The new HTML extension attributes are given below in Table 1. TABLE 1 HTML Extension Attributes FRAMESET usedefault Used to determine where the focus is located in a tab-based user interface within a FRAME by specifying the URL for the file containing the map, followed by a `#`, followed by the name of the USEDEFAULT. If the argument to USEDEFAULT starts with a `#`, the map is assumed to be in the same document as the USEDEFAULT tag.” (emphasis added) (Shoff, par. [0088], Table 1).

The Office Action has confused coding of frames in HTML with detecting a tag that is specific to a particular video frame in a media stream. The Claims have been amended to clarify the fact that a tag is specific to a particular video frame in a media stream, and does not refer to any type of HTML coding. An HTML FRAME tag (<FRAME>) allows a user to display more than one HTML page in a browser window. Each frame designated by a <FRAME> tag within a frameset tag displays a different HTML document in a Web page. Thus, HTML code may refer to a specific frame being shown to a viewer but must be within that specific frame’s <FRAME> tag which in turn must be within a <FRAMESET> tag.

However, video frame-specific tags that are specific to a particular video frame in a media stream, as used in Claims 1, 28, and 55, refer to tags that are specific to a particular video

frame in the media stream, and does not refer in any way to HTML coding, or displaying two HTML coded web pages in a single browser window. Thus, <FRAME> tags with Web pages cannot be analogized to video frame-specific tags inserted into a media stream, where each of the video frame-specific tags specific to a particular video frame of the media stream as recited in the Claims. These two terms (<FRAME> tags in HTML and video frame-specific tags specific to a particular video frame of the media stream) have completely different meanings and furthermore, are in different technology areas. Thus, *Shoff* fails to teach or suggest the recited limitation.

With reference to the other cited references, the Office Action readily admits that *Zigmond* fails to teach or disclose "video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream." The Office Action states that *Capek* teaches the limitation performing appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions. *Capek* describes methods to provide insertions during delays when, for example, downloading a particular web page. However, *Capek* does not teach or disclose the limitation "video frame-specific tags inserted into said media stream, each of the video frame-specific tags specific to a particular video frame of the media stream." Thus, at least one limitation of Claims 1, 28, and 55 is not taught or disclosed by the cited references and the Claims should be allowed.

The Office Action, on page 35 further states a further rejection of Claims 1, 28, and 55. However, during the Examiner's Interview, the Examiner stated that this section was included erroneously and should be disregarded.

Therefore, *Zigmond* in view of *Shoff* and in further view of *Capek* does not teach or suggest the invention as claimed and the Claims 1, 28, and 55 should be allowed.

Claims 1, 28, and 55 are allowable. Claims 2-10, 12-14, and 29-37, 39-41, and 56-64, 66-68 are dependent upon Claims 1, 28, and 55, respectively, and are allowable. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

Applicants respectfully request to be contacted by the Examiner should the Examiner wish any clarification with regard to these arguments, as discussed in the interview.

Claims 11, 38 and 65 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("*Zigmond* ") in further view of U.S. Publication

No. 2004/0210824 ("Shoff") in further view of U.S. Patent No. 6,094,677 ("Capek") in further view of U.S. Patent No. 5,648,824 ("Dunn"). This rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 28, and 55, above. Claims 11, 38, and 65 are dependent upon independent Claims 1, 28, and 55, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

Dated: 11/9/09

/RobertSChee#58554/
Robert S. Chee
Reg. No. 58,554

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1213
Facsimile No.: (408) 414-1076